

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

KATHRYN L. FITZGIBBON, *
LAUREN M. FLEMING, and *
ALL SIMILARLY SITUATED CURRENT *
AND FORMER EMPLOYEES OF *
ING BANK, fsb, AND ITS WHOLLY *
OWNED SUBSIDIARIES, *
Plaintiffs, *

v. *

ING BANK, fsb, (a Delaware corporation), *
and ALL OTHER WHOLLY OWNED *
SUBSIDIARIES OF ING BANK, fsb, *
WHICH HAVE EMPLOYED *
SIMILARLY SITUATED CURRENT *
AND FORMER EMPLOYEES SINCE *
November 16, 2004, *
Defendants. *

C. A. No. 07-735 (JJF)

JURY TRIAL DEMANDED

RE-NOTICE OF MOTION

TO: Darryl A. Parson, Esquire
Drinker Biddle & Reath LLP
1100 N. Market Street
Wilmington, DE 19801-1254

PLEASE TAKE NOTICE, that the undersigned attorney will present the previously
Noticed Motion To Proceed As A Collective Action, To Facilitate Notice And To Require
Defendant to Provide Information before the Honorable Judge Joseph J. Farnan on September
12, 2008 at 2:00 pm.

MARTIN & WILSON, P.A.


TIMOTHY J. WILSON (ID No. 4323)

JEFFREY K. MARTIN (ID No. 2407)

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Attorneys for the Plaintiffs

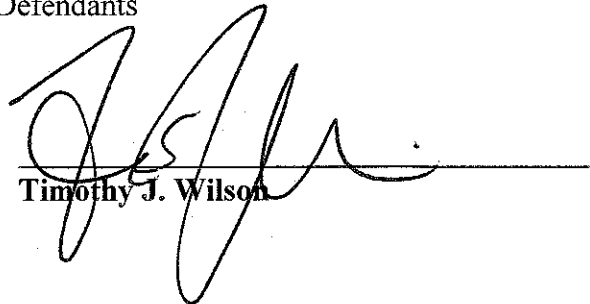
DATED: August 15, 2008

CERTIFICATE OF SERVICE

I, Timothy J. Wilson, hereby certify that on August 15, 2008, the foregoing ***Re-Notice Of Motion of Plaintiff's Motion to Proceed as a Collective Action, To Facilitate Notice and to Require Defendant to Provide Information*** was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the following counsel of record that the document is available for viewing and downloading from CM/ECF:

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Attorney for Defendants



Timothy J. Wilson